

1 AMY JANE LONGO Cal. Bar No. 198304  
2 Email: [longoa@sec.gov](mailto:longoa@sec.gov)  
3 DAVID M. ROSEN Cal. Bar No. 150880  
4 Email: [rosend@sec.gov](mailto:rosend@sec.gov)

5 Attorneys for Plaintiff  
6 Securities and Exchange Commission  
7 Michele Wein Layne, Regional Director  
8 Alka N. Patel, Associate Regional Director  
9 John W. Berry, Regional Trial Counsel  
10 444 South Flower Street, Suite 900  
11 Los Angeles, California 90071  
12 Telephone: (323) 965-3998  
13 Facsimile: (213) 443-1904

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **WESTERN DIVISION**

12 **SECURITIES AND EXCHANGE**  
13 **COMMISSION,**

14 Plaintiff,

15 vs.

16 **PLCMGMT LLC, dba**  
17 **PROMETHEUS LAW, JAMES A.**  
18 **CATIPAY, and DAVID A.**  
19 **ALDRICH,**

Defendants.

Case No. 2:16-cv-02594-TJH-FFM

[69]  
[NO JS6]

21 **FINAL JUDGMENT AS TO DEFENDANT DAVID A. ALDRICH**

22  
23 The Securities and Exchange Commission having filed a Complaint and  
24 Defendant David A. Aldrich (“Defendant”) having entered a general appearance;  
25 consented to the Court’s jurisdiction over Defendant and the subject matter of this  
26 action; consented to entry of this Final Judgment without admitting or denying the  
27 allegations of the Complaint (except as to jurisdiction and except as otherwise

1 provided herein in paragraph VI); waived findings of fact and conclusions of law; and  
2 waived any right to appeal from this Final Judgment:

3 I.

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
5 permanently restrained and enjoined from violating, directly or indirectly, Section  
6 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C.  
7 § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using  
8 any means or instrumentality of interstate commerce, or of the mails, or of any  
9 facility of any national securities exchange, in connection with the purchase or sale of  
10 any security:

- 11 (a) to employ any device, scheme, or artifice to defraud;
- 12 (b) to make any untrue statement of a material fact or to omit to state a  
13 material fact necessary in order to make the statements made, in the light  
14 of the circumstances under which they were made, not misleading; or
- 15 (c) to engage in any act, practice, or course of business which operates or  
16 would operate as a fraud or deceit upon any person.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
18 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
19 binds the following who receive actual notice of this Final Judgment by personal  
20 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and  
21 attorneys; and (b) other persons in active concert or participation with Defendant or  
22 with anyone described in (a).

23  
24 II.

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
26 Defendant is permanently restrained and enjoined from violating Section 17(a) of the  
27 Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale  
28 of any security by the use of any means or instruments of transportation or

1 communication in interstate commerce or by use of the mails, directly or indirectly:

- 2 (a) to employ any device, scheme, or artifice to defraud;
- 3 (b) to obtain money or property by means of any untrue statement of a
- 4 material fact or any omission of a material fact necessary in order to
- 5 make the statements made, in light of the circumstances under which
- 6 they were made, not misleading; or
- 7 (c) to engage in any transaction, practice, or course of business which
- 8 operates or would operate as a fraud or deceit upon the purchaser.

9 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, as

10 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
11 binds the following who receive actual notice of this Final Judgment by personal  
12 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
13 attorneys; and (b) other persons in active concert or participation with Defendant or  
14 with anyone described in (a).

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16 III.

17 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that  
18 Defendant is permanently restrained and enjoined from violating Section 5 of the  
19 Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any  
20 applicable exemption:

- 21 (a) Unless a registration statement is in effect as to a security, making use of  
22 any means or instruments of transportation or communication in  
23 interstate commerce or of the mails to sell such security through the use  
24 or medium of any prospectus or otherwise;
- 25 (b) Unless a registration statement is in effect as to a security, carrying or  
26 causing to be carried through the mails or in interstate commerce, by any  
27 means or instruments of transportation, any such security for the purpose  
28 of sale or for delivery after sale; or

(c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$ 2,667,945.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$17,786.30, and a civil penalty in the amount of \$1,000,000.00 pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d) and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). Defendant shall satisfy this obligation by paying \$3,685,731.30 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified

check, bank cashier's check, or United States postal money order payable to the  
Securities and Exchange Commission, which shall be delivered or mailed to

## Enterprise Services Center

## Accounts Receivable Branch

6500 South MacArthur Boulevard

Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; David A. Aldrich as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds, together with any interest and income earned thereon (collectively, the "Fund"), pending further order of the Court.

The Commission may propose a plan to distribute the Fund subject to the Court's approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund will not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

1        Regardless of whether any such Fair Fund distribution is made, amounts  
2 ordered to be paid as civil penalties pursuant to this Judgment shall be treated as  
3 penalties paid to the government for all purposes, including all tax purposes. To  
4 preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or  
5 reduction of any award of compensatory damages in any Related Investor Action  
6 based on Defendant's payment of disgorgement in this action, argue that he is entitled  
7 to, nor shall he further benefit by, offset or reduction of such compensatory damages  
8 award by the amount of any part of Defendant's payment of a civil penalty in this  
9 action ("Penalty Offset"). If the court in any Related Investor Action grants such a  
10 Penalty Offset, Defendant shall, within 30 days after entry of a final order granting  
11 the Penalty Offset, notify the Commission's counsel in this action and pay the amount  
12 of the Penalty Offset to the United States Treasury or to a Fair Fund, as the  
13 Commission directs. Such a payment shall not be deemed an additional civil penalty  
14 and shall not be deemed to change the amount of the civil penalty imposed in this  
15 Judgment. For purposes of this paragraph, a "Related Investor Action" means a  
16 private damages action brought against Defendant by or on behalf of one or more  
17 investors based on substantially the same facts as alleged in the Complaint in this  
18 action.

19

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V.

21        **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, solely for  
22 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,  
23 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,  
24 and further, any debt for disgorgement, prejudgment interest, civil penalty or other  
25 amounts due by Defendant under this Final Judgment or any other judgment, order,  
26 consent order, decree or settlement agreement entered in connection with this  
27 proceeding, is a debt for the violation by Defendant of the federal securities laws or  
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1 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of  
2 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

3

4 VI.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court  
6 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this  
7 Final Judgment.

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9 VII.

10 There being no just reason for delay, pursuant to Rule 54(b) of the Federal  
11 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith  
12 and without further notice.

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14 Dated: September 15, 2016.



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16 THE HON. TERRY J. HATTER, JR.,

17 UNITED STATES DISTRICT JUDGE

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